

**DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled:

**Apparatus for Determining and/or Monitoring a Process Variable**

the specification of which (check one):

☐ is attached hereto, or **X** was filed on: 31.08.2006 as U.S. Application Number 10/591,297

or PCT International Application Number:

and (if applicable) was amended on:

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56*. I hereby claim foreign priority benefits under *Title 35, United States Code §119* of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| PRIOR FOREIGN APPLICATION (S) |         |                      | PRIORITY CLAIMED |    |
|-------------------------------|---------|----------------------|------------------|----|
| Number                        | Country | Day/Month/Year Filed | Yes              | No |
| DE 102004011377.7             | Germany | 05.03.2004           | X                |    |
|                               |         |                      |                  |    |

☐ Additional Priority Application(s) Listed on Following Page(s)

| I HEREBY CLAIM THE BENEFIT UNDER TITLE 35 U.S. CODE §119(E) OF ANY U.S. PROVISIONAL APPLICATIONS LISTED BELOW. |                      |
|--|----------------------|
| Application Number   | Day/Month/Year Filed |
| US-Prov. Aktenzeichen  | Datum                |
|  |                      |

☐ Additional Provisional Application(s) Listed on Following Page(s)

I hereby claim the benefit under *Title 35, United States Code, §120* of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of *Title 35, United States Code, §112*, I acknowledge the duty to disclose information which is material to patentability as defined in *Title 37, Code of Federal Regulations, §1.56* which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| Application Number | Filing Date | Status - Patented, Pending or Abandoned |
|--------------------|-------------|---|
| PCT/EP2005/050906  | 02.03.2005  | Pending                                 |
|                    |             |   |

Additional US/PCT Priority Application(s) listed on Following Page(s)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under *section 1001 of title 18 of the United States Code* and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application 25,721; Joseph DeBenedictis, Reg. No. 28,502; Benjamin E. Urcia, Reg. No. 33,805; and

I(we) authorize my(our) attorneys to accept and follow instructions from \_\_\_\_\_ regarding any matter related to the preparation, examination, grant and maintenance of this application, any continuation, continuation-in-part or divisional based thereon, and any patent resulting therefrom, until I(we) or my(our) assigns withdraw this authorization in writing.

Send correspondence to: **BACON & THOMAS, PLLC**  
625 Slaters Lane - 4th Floor  
Alexandria, VA 22314-1176

Telephone Calls to: **(703) 683-0500**

|   |   |
|---|---|
| FULL NAME OF FIRST OR SOLE INVENTOR<br><b>Sergej LOPATIN</b>            | CITIZENSHIP <b>Russia</b>   |
| RESIDENCE ADDRESS<br><b>Pestalozzistr. 51, D-79540 Lörrach, Germany</b> | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE<br><b>4.10.2006</b>  | SIGNATURE<br><b>Sergej lopatin</b>  |

☐ See following page(s) for additional joint inventors.


## CONTINUATION OF DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

Page 2

| PRIOR FOREIGN APPLICATION(S) (35 USC §119) |         |                      | PRIORITY CLAIMED |    |
|--|---------|----------------------|------------------|----|
| Number                                     | Country | Day/Month/Year Filed | Yes              | No |
|  |         |                      |                  |    |
|  |         |                      |                  |    |

| PRIOR PROVISIONAL APPLICATIONS 35 U.S. CODE §119(E) |                      |
|---|----------------------|
| Application Number                                  | Day/Month/Year Filed |
|   |                      |
|   |                      |

| PRIOR U.S. OR PCT INTERNATIONAL APPLICATIONS (35 U.S. CODE §120) |             |   |
|--|-------------|---|
| Application Number   | Filing Date | Status - Patented, Pending or Abandoned |
|  |             |   |
|  |             |   |

|  |   |
|--|---|
| FULL NAME OF FIRST OR SOLE INVENTOR<br>Helmut PFEIFFER           | CITIZENSHIP German  |
| RESIDENCE ADDRESS<br>Kirchstrasse 26/5, D-79585 Steinen, Germany | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW                 |
| DATE<br>4.10.2006  | SIGNATURE<br> |

|                                     |   |
|-------------------------------------|---|
| FULL NAME OF FIRST OR SOLE INVENTOR | CITIZENSHIP   |
| RESIDENCE ADDRESS                   | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE                                | SIGNATURE   |

|                                     |   |
|-------------------------------------|---|
| FULL NAME OF FIRST OR SOLE INVENTOR | CITIZENSHIP   |
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| DATE                                | SIGNATURE   |

|                                     |   |
|-------------------------------------|---|
| FULL NAME OF FIRST OR SOLE INVENTOR | CITIZENSHIP   |
| RESIDENCE ADDRESS                   | POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW |
| DATE                                | SIGNATURE   |

See following pages for additional joint inventors/priority applications.

**ASSIGNMENT BY INVENTOR(S) OF U.S. APPLICATION**

WHEREAS, I am the original, first and sole inventor and I own (if only one name is listed below) or an original, first and joint inventor and the joint inventors own (if plural names are listed below) (referred to as "ASSIGNOR" below) the subject matter which is claimed and for which a patent is sought on the invention (referred to as the "INVENTION" below) entitled:

Title: Apparatus for Determining and/or Monitoring a Process Variable

the specification of which (check one):

|                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | is executed on even date herewith.   |
| <input checked="" type="checkbox"/> | was filed on (day-month-year) 31.08.2006 as U.S. Application Number 10/591,297       |
| <input checked="" type="checkbox"/> | was filed on (day-month-year) 02.03.2005 as PCT Application Number PCT/EP2005/050906 |
| <input type="checkbox"/>            | was executed on the following date(s) (day-month-year)                               |

WHEREAS, **Endress + Hauser GmbH + Co. KG**

having a postal address of **Hauptstrasse 1, Maulburg, Germany 79689**

(referred to as "ASSIGNEE" below) desires to acquire the entire right, title and interest in and to the same in the U.S.;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, ASSIGNOR, by these presents does sell, assign and transfer unto ASSIGNEE, the entire right, title, and interest in and to said INVENTION and application throughout the United States of America, including any and all patents granted on any division, continuation, continuation-in-part and reissue of said application.

ALSO, ASSIGNOR hereby agrees to execute any documents that legally may be required in connection with the filing, prosecution and maintenance of said application or any other patent applications in the United States for said INVENTION, including additional documents that may be required to affirm the rights of ASSIGNEE in and to said INVENTION, all without further consideration. ASSIGNOR also agrees, without further consideration and at ASSIGNEE's expense, to identify and communicate to ASSIGNEE at ASSIGNEE's request documents and information concerning the INVENTION that are within ASSIGNOR's possession or control, and to provide further assurances and testimony on behalf of ASSIGNEE that lawfully may be required of ASSIGNOR in respect of the prosecution, maintenance and defense of any patent application or patent encompassed within the terms of this instrument. ASSIGNOR's obligations under this instrument shall extend to ASSIGNOR's heirs, executors, administrators and other legal representatives.

ALSO, ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all patents referred to above to ASSIGNEE, as the ASSIGNEE of the entire right, title and interest in and to the same, for ASSIGNEE's sole use and behoof; and for the use and behoof of ASSIGNEE's legal representatives and successors, to the full end of the term for which such patent may be granted, as fully and entirely as the same would have been held by ASSIGNOR had this assignment and sale not been made.

ASSIGNOR authorizes any member of the firm of Bacon & Thomas, PLLC to insert or complete any information in this document needed to effect its recordal in the U.S. Patent and Trademark Office.

|  |  |
|--|--|
| Full Name of First or Sole Inventor<br><b>Sergej LOPATIN</b> | Post Office Address<br><b>Pestalozzistr. 51, D-79540 Lörrach, Germany</b>                      |
| Citizenship<br><b>Russia</b>                                 | Residence (city, and either state or foreign country, MPEP §605.02)<br><b>Lörrach, Germany</b> |
| Date<br><b>4.10.2006</b>                                     | Signature<br><b>Sergej Lopatin</b>   |

☐

See following page(s) for additional joint inventors.


(06Nov2001)

ATTORNEY/DOCKET NO:

LOPA3011/FJD

EH0687-WO/US

**SUPPLEMENTAL PAGE FOR AN  
ASSIGNMENT BY INVENTOR(S) OF U.S. APPLICATION**

|  |   |
|--|---|
| Full Name of Joint Inventor<br>Helmut PFEIFFER | Post Office Address<br>Kirchstrasse 26/5, D-79585 Steinen, Germany                              |
| Citizenship<br>German                          | Residence (city, and either state or foreign country, MPEP §605.02)<br>Steinen, Germany         |
| Date<br>4.10.2006                              | Signature<br> |

|                             |   |
|-----------------------------|---|
| Full Name of Joint Inventor | Post Office Address   |
| Citizenship                 | Residence (city, and either state or foreign country, MPEP §605.02) |
| Date                        | Signature   |

|                             |   |
|-----------------------------|---|
| Full Name of Joint Inventor | Post Office Address   |
| Citizenship                 | Residence (city, and either state or foreign country, MPEP §605.02) |
| Date                        | Signature   |

|                             |   |
|-----------------------------|---|
| Full Name of Joint Inventor | Post Office Address   |
| Citizenship                 | Residence (city, and either state or foreign country, MPEP §605.02) |
| Date                        | Signature   |

|                             |   |
|-----------------------------|---|
| Full Name of Joint Inventor | Post Office Address   |
| Citizenship                 | Residence (city, and either state or foreign country, MPEP §605.02) |
| Date                        | Signature   |



See following page(s) for additional joint inventors.

(06Nov2001)